

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA**

THOMAS E. MORIARTY,

)

Case No. 8:04CV 330

Plaintiff,

)

)

)

v.

)

ORDER

)

)

CAPITAL MANAGEMENT SERVICES,

)

INC.

)

Defendant(s)

)

THIS MATTER came on before the Court based upon the Joint Stipulation for Dismissal with prejudice filed by the parties herein, and it appearing to the Court that good cause exists pursuant to F.R.C.P. 41, it is hereby

ORDERED, ADJUDGED AND DECREED that this matter be and hereby is dismissed with prejudice, each party to pay its own costs.

DATED THIS 4th day of January, 2006.

BY THE COURT:

s/Joseph F. Bataillon

JOSEPH F. BATAILLON

UNITED STATES DISTRICT JUDGE